

## **REMARKS/ARGUMENTS**

Claims 1-14 remain in the application. No claim has been amended. No claim has been canceled. Reconsideration of this application, in light of the following remarks and arguments, is respectfully requested.

Claims 1-14 were rejected under 35 U. S. C. § 101. This rejection is respectfully traversed for the following reasons.

The specification of this application discusses the relationship between acupuncture and migraines and/or headaches. According to the specification, at page 2, line 26 through page 3, line 25 thereof:

...In accordance with well-known acupuncture standards, several acupuncture points are simultaneously stimulated to achieve the therapeutic goal. As taught in The Basics of Acupuncture by Stux and Pomeranz, Springer-Verlag, New York, pp. 237-238, 1995, the specific acupuncture points being used to treat the migraine or headache depends upon the [sic] where the patient is experiencing pain.

If the pain is along the gallbladder channel, then ten acupuncture points are stimulated: the top of the head (Du 20 Baihui), the forehead (GB.14 Yangbai), behind the ear (GB.20 Fengchi), above the ear (GB.8 Shuaigu), dorsal-side of lower arm (SJ.5 Waiguan), top of the hand between the thumb and index finger (LI.4 Hegu), the toe (GB.41 Linqi), the ankle (GB.37 Guangming), top of the foot (St.44 Neiting), and the foot (Liv.3 Taichong). If the pain is in the area of the temple, then the top of the head (Du 20 Baihui), near the top of the head (St.8 Touwei), the temple (GB.4 Hanyan), top of the hand between the thumb and index finger (LI.4 Hegu), the elbow (LI.11 Quchi), top of the foot (St.44 Neiting), and the shin (St.36 Zusanli) are stimulated. If the pain is along the urinary bladder channel, then the top of the head (Du 20 Baihui), eyebrow (UB.2 Zanzhu), back of the neck (UB.10 Tianshu), the side of the hand near

the pinkie finger (SI.3 Houxi), top of the hand between the thumb and index finger (LI.4 Hegu), the ankle (UB.60 Kunlun), and the little toe (UB.67 Zhiyin) are stimulated. If the pain is in the area of vertex Du 20 Baihui, then the top of the head (Du 20 Baihui), top of the head (Ex.6 Sishencong), the abdomen (Liv.14 Qimen), top of hand between the thumb and index finger (LI.4 Hegu), dorsal-side of lower arm (SJ.6 Zhiyou), the foot (Liv.3 Taichong), top of the foot (Liv.2 Xingjian), and the calf (GB.34 Yanlingquan) are stimulated. All the acupuncture points listed for each area of pain are stimulated simultaneously to obtain results.

As can be seen from the foregoing quotation, if the pain is in the area of the temple, the following areas are stimulated by an acupuncturist to relieve the pain of a migraine and/or headache:

the top of the head (Du 20 Baihui), near the top of the head (St.8 Touwei), the temple (GB.4 Hanyan), top of the hand between the thumb and index finger (LI.4 Hegu), the elbow (LI.11 Quchi), top of the foot (St.44 Neiting), and the shin (St.36 Zusanli)

Thus, it has been shown in the art that pain occurring at one extremity of the body, i.e., the temple, can be relieved by stimulating an acupuncture point at one or more different extremities of the body, i.e., top of the hand between the thumb and index finger, top of the foot. In view of the foregoing knowledge, which is well-known to one of ordinary skill in the art, it is submitted that the claims of this application satisfy the requirement of 35 U. S. C. § 101. Accordingly, the rejection based on 35 U. S. C. § 101 should be withdrawn.

Claims 1-14 were rejected under 35 U. S. C. § 103(a) as being unpatentable over Gruzdownich et al. (U. S. Patent 6,178,352) in view of Lee et al. (U. S. Patent 6,735,469) and further in view of Negishi (U. S. Patent 5,201,319). This rejection is respectfully traversed for the following reasons.

Gruzdowich et al., U. S. Patent No. 6,178,352 B1 (hereinafter "Gruzdowich et al."), discloses a method of controlling blood pressure in a patient with high blood pressure utilizing a non-invasive nerve stimulation device applied to the wrist.

Lee et al., U. S. Patent No. 6,735,469 (hereinafter "Lee et al."), discloses a patient complaining of a headache associated with high blood pressure.

Negishi, U. S. Patent No. 5,201,310 (hereinafter "Negishi"), discloses that a splitting headache occurring the moment that a subject stands up is caused by the standing high blood pressure.

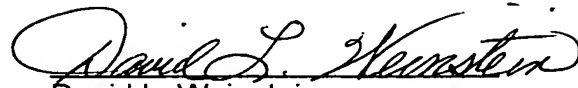
Gruzdowich et al. describes a method of controlling high blood pressure. Lee et al. and Negishi indicate that high blood pressure may be associated with headaches. According to the specification, the exact mechanism for each type of headache, i.e., tension, migraine, and cluster, is not known. The mechanism that results in a headache is merely the subject of theory. See page 1, lines 13-18 of the specification. It is reasonable to concede that Gruzdowich discloses a method for controlling high blood pressure. However, it is not reasonable to conclude that high blood pressure is the cause of a migraine or other type of headache. Thus, even in light of the disclosures of Lee et al. and Negishi, it cannot be concluded that the method described in Gruzdowich et al. would have relieved a migraine or a headache in a patient. Accordingly, it is submitted that the combination of Gruzdowich et al. Lee et al., and Negishi fails to render claims 1-14 obvious to one of ordinary skill in the art.

In view of the foregoing, it is submitted that claims 1-14 are in condition for allowance, and official Notice of Allowance is respectfully requested.

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